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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/539,972	03/31/2000	Boris S. Elman	99-837	2133

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EXAMINER

AVELLINO, JOSEPH E

ART UNIT PAPER NUMBER

2143

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/539,972

Applicant(s)

ELMAN ET AL.

Examiner

Joseph E. Avellino

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,16 and 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1, 3-8, 16 and 17 are pending in this examination. The Office acknowledges the cancellation of claim 18.

#### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 3, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferguson et al. (USPN 6,532,241) (hereinafter Ferguson) in view of Andersson et al. (USPN 6,163,544) (hereinafter Andersson) in view of Bharali et al. (USPN 6,297,823) (hereinafter Bharali).

2. Referring to claim 1, Ferguson discloses a method of customer centric network management comprising the steps, performed by a processor, of:

receiving identification data (i.e. IP address, Physical Unit name, MAC address, etc.) corresponding to a customer (a customer's session) in a network, wherein the customer is a natural person (e.g. abstract; col. 11, lines 40-45);

accessing a database for one or more customer records (i.e. user sessions) corresponding to the customer identification data (SNA PU/LU name, IP address MAC address, etc.) (e.g. abstract; col. 11, lines 42-57);

receiving selection information identifying a selected one of the one or more customer records, wherein the selected customer record corresponds to the customer (Figure 8, and pertinent portions of the disclosure); and

providing actual circuit path information (i.e. user session information, such as seen in Figure 8) corresponding to a customer service based on the selected customer record, wherein the actual circuit path information is used to generate a graphical representation of heterogeneous network components supporting a specific service for the customer (Ferguson discloses that the invention is an example is shown by Cisco Works Blue SNA View product, which provides a view of a data session from the physical unit through the network environment to the host) (col. 11, lines 25-45).

Ferguson does not specifically state that the database accessed is a generic information model database. In analogous art, Andersson discloses another method of customer centric network management wherein the data is stored using a generic information model database. It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Ferguson with Andersson to allow for reduced complexity of the system while allowing for the ease of future upgrades or replacements.

Ferguson in view of Andersson do not specifically disclose the customer record contains heterogeneous network components which support a specific service for the customer. In analogous art, Bharali discloses another method of customer centric network management (i.e. monitoring) which discloses the record contains heterogeneous network components which support a specific service for the customer

(Figures 2a-2b; col. 4, lines 1-50). It would have been obvious to one of ordinary skill in the art to combine the teaching of Bharali with Ferguson and Andersson in order to allow the monitoring of performance of computer networks without requiring devices such as servers, routers, etc. within the network to execute proprietary or special purpose software thereby providing more details regarding the customer sessions of Ferguson.

3. Claims 3 and 16 are rejected for similar reasons as stated above. Furthermore Ferguson discloses populating a permanent database with network component information (col. 12, lines 21-36).

4. Claims 4-8, and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferguson in view of Andersson in view of Bharali as stated above, and furthermore in view of Ahearn et al. (USPN 5,926,463) (hereinafter Ahearn).

5. Referring to claim 4, Ferguson in view of Andersson disclose the invention substantively as described in claim 3. Ferguson in view of Andersson do not specifically disclose the specific steps of sending component information to a management system, retrieving the network component information from the management system, and storing the component information in the database. In analogous art, Ahearn discloses another method of customer centric network management which sends component access information to an element management system (network manager), the element

management system retrieving network component information from at least one component in the network (col. 16, line 36 to col. 17, line 33);

retrieving the network component information from the element management system (col. 16, line 36 to col. 17, line 33); and

storing the network component information in the permanent database (col. 16, line 36 to col. 17, line 33).

It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Ahearn with Ferguson and Andersson in order to combine different types of status information into a single, easy to read, view, thereby decreasing complexity and increasing the amount of data which can be simultaneously displayed, as supported by Ahearn (col. 3, lines 23-24).

6. Referring to claim 5, Ferguson in view of Andersson disclose the invention substantively as described in claim 3. Ferguson in view of Andersson do not specifically disclose updating the database based on an automatic event. Ahearn discloses updating the permanent database based on an automatic event (periodic polling) (col. 8, lines 15-24; col. 16, lines 36-48). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Ahearn with Ferguson and Andersson in order to combine different types of status information into a single, easy to read, view, thereby decreasing complexity and increasing the amount of data which can be simultaneously displayed, as supported by Ahearn (col. 3, lines 23-24).

7. Referring to claim 6, Ferguson in view of Andersson disclose the invention substantively as described in claim 3. Ferguson in view of Andersson do not specifically disclose updating the database based on a manual event. Ahearn discloses updating the permanent database based on a manual event (poll on demand) (col. 8, lines 15-24). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Ahearn with Ferguson and Andersson in order to combine different types of status information into a single, easy to read, view, thereby decreasing complexity and increasing the amount of data which can be simultaneously displayed, as supported by Ahearn (col. 3, lines 23-24).

8. Referring to claims 7 and 8, Ferguson in view of Andersson in view of Ahearn discloses a method for network monitoring as stated in the claims above. Ferguson in view of Andersson in view of Ahearn does not disclose storing the new network component information in a temporary database, comparing the temporary and permanent databases, and modifying the permanent database according to comparison rules. However it is suggested by the prior art that it would have been obvious to one of ordinary skill in the art to modify the system of Ahearn, Andersson and Ferguson to provide for a temporary database and modifying the permanent database according to comparison rules to avoid the unnecessarily caveat of modifying the database, which is time consuming in a computer environment, to change a value which has been modified, which when viewed on the network level, is insignificant to the big picture.

9. Claims 17 and 18 are rejected for similar reasons as stated above.

Claims 1, 3-8, 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al. (USPN 6,549,940) (hereinafter Allen) in view of Andersson in view of Bharali et al. (USPN 6,297,823) (hereinafter Bharali).

10. Referring to claim 1, Allen discloses a method for customer centric network management which receives identification data corresponding to a customer in a network wherein the customer is one of a group of a person, a company an organization and an enterprise (e.g. abstract; Figure 11);

accessing an information model database for one or more customer records corresponding to the customer identification data (e.g. abstract);

receiving selection information identifying a selected one of the customer records (Figure 17-18); and

providing actual circuit path information corresponding to a customer service based on the selected customer record, wherein the actual circuit path information is used to generate a graphical representation of network components supporting a service for the customer (Figures 29-30, 33-34; col. 18, lines 30-55).

Allen does not specifically state that the database accessed is a generic information model database. In analogous art, Andersson discloses another method of customer centric network management wherein the data is stored using a generic information model database. It would be obvious to a person of ordinary skill in the art



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at the time the invention was made to combine the teaching of Allen with Andersson to allow for reduced complexity of the system while allowing for the ease of future upgrades or replacements.

Allen in view of Andersson do not specifically disclose the customer record contains heterogeneous network components which support a specific service for the customer. In analogous art, Bharali discloses another method of customer centric network management (i.e. monitoring) which discloses the record contains heterogeneous network components which support a specific service for the customer (Figures 2a-2b; col. 4, lines 1-50). It would have been obvious to one of ordinary skill in the art to combine the teaching of Bharali with Allen and Andersson in order to allow the monitoring of performance of computer networks without requiring devices such as servers, routers, etc. within the network to execute proprietary or special purpose software.

11. As to claims 3-8 and 16-18, they are all inherent variations of the system described above.

### ***Response to Arguments***

12. Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

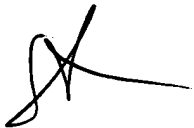
14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (571) 272-3905. The examiner can normally be reached on Monday-Friday 7:00-4:00.

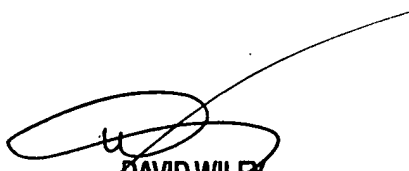
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JEA  
October 27, 2005



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